



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



KEITH CREAGH
DIRECTOR

February 29, 2016

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Mr. John Wagner
Diamond Chrome Plating, Inc.
604 South Michigan Avenue
P.O. Box 557
Howell, Michigan 48844

Dear Mr. Wagner:

SUBJECT: Second Compliance Communication Regarding the November 2015 Progress Report Submittal for the Diamond Chrome Plating (DCP) Facility, 604 South Michigan Avenue, Howell, Livingston County, Michigan; First Amended Judicial Consent Decree (JCD) No. 03-1862-CE; Facility ID No.: 47000202

The Department of Environmental Quality (DEQ), Remediation and Redevelopment Division (RRD), Lansing District Office, has reviewed DCP's response to our November 1, 2015, Progress Report Compliance Communication, prepared by your consultant, BB&E, LLC. These materials, as required pursuant to Section 6.11(a) of the first Amended Consent Decree, were provided on January 15, 2016, within the agreed upon time extension as a compact disc with a printed copy of the requested large size soil boring and monitor well location map. Pursuant to this section, these submittals should have been provided in writing (hard copy). Nevertheless, the DEQ staff printed the voluminous contents of the compact disc (dated January 14, 2016) for inclusion in the November 1, 2015, Progress Report which is part of the facility file. Some of the analytical reports are within the February 1, 2016, reporting period. Thank you for the submittal of this information.

Our review of the submitted materials identified the following missing elements and compliance issues for the November 1, 2015, Progress Report:

1. Laboratory Reports and Quality Assurance Project Plan (QAPP):

- Chain of custody for the Fibertec Lab report, dated July 9, 2015, project number 68583 is missing.
- Chain of custody for the Fibertec lab report, dated December 5, 2014, project number 65493 is missing.
- Our review of the chain of custodies and lab reports for the period of 2014 through October 15, 2015, found that volatile organic compound (VOC) trip and equipment blanks were not used. Use of blanks during the sampling process and transport to DCP's environmental labs (ALS and Fibertech) are required in the approved QAPP as detailed in Section 6.3 of the first amended JCD. The

appropriate use of blanks is necessary for purposes of evaluating whether or not VOCs from alternate sources cross-contaminated any of the samples. All future sampling events must be in accordance with the QAPP. Noncompliance is subject to stipulated penalties as outlined in Section 16.2 of the JCD. Please provide copies of the missing chain of custodies and provide written assurance that the provisions of the QAPP will be followed.

2. *Conceptual Site Model (CSM):*

The updated CSM description required pursuant to Section 6.11(a) (iv) of the JCD is generic and in a format that is difficult to modify to provide a current understanding of the environmental conditions as they evolve by implementation of scheduled site investigation activities. The CSM description should be of sufficient detail to provide a basis to decide whether or not additional scheduled site investigation should be completed to fulfill the performance objectives outlined in Section 6.1 of the JCD. The DEQ, RRD, will provide additional comments in this area pending our review of elements included in the timely submittal of DCP's February Progress Report received by the DEQ, RRD, on February 1, 2016.

3. *Interim Response Activities at the DCP Plant:*

- Large Front Buffer Removal and Floor Replacement Project:

In September 2014, DCP removed concrete in their building to provide new and thicker concrete needed to support heavy process equipment. As a result of this concrete replacement, 20 cubic yards of waste concrete and soils were generated. Sampling data and waste disposal information generated as a result of this concrete replacement should have been included in the progress reports required by the JCD. In the January 13, 2016, correspondence, DCP asserts that this work was solely a capital improvement project, not a response activity; and that "no soils excavation" was complete while inferring that no information regarding this work should be provided in the progress reports. This assertion is not valid for the following reasons:

- Prior to initiation of this project, the DEQ, RRD, and DEQ, Office of Waste Management and Radiological Protection (OWMRP) were notified of this activity described in Section 5.2 (g). This section states that DCP must notify the DEQ, OWMRP and RRD staff for plant work that "might expose areas where releases of hazardous waste or hazardous waste constituents may have occurred." In addition, DCP indicated by e-mail that its consultant would be present to collect soil samples. Results of this soil sampling were not included in the November 1, 2015, Progress Report.
- On-site observations and sampling data obtained by DEQ, OWMRP, staff indicate that portions of the removed concrete floor included 1 to 2 cubic yards of surface soils contaminated with chromium and other hazardous substances in excess of Part 201, Environmental Remediation, of the Natural Resource and Environmental Protection Act, 1994 PA 451, as amended,

criteria and characteristically hazardous waste thresholds for chromium. In order for thicker concrete to be poured and maintain grade in the plant, some soils removal would be necessary. Therefore, Section 6.11 (a) (vi) of the JCD applies. This section states that DCP shall provide "a description of the nature and amount of waste materials that were generated as part of the response activities and the location of the facilities that were used for the off-site transfer, storage and treatment or disposal of those waste materials including copies of all waste manifests."

- While the JCD does not define "response activity" or "interim response activity," Section 4.26 of the JCD provides language that defaults definitions to statute. As defined in Part 201, "response activity" may include demolition as well as soils removal and "interim response activity" means the cleanup or removal of a released hazardous substances prior to implementation of a remedial action.
- In addition, soil sample results from beneath the concrete pertain to the evaluation of DCP's "on-property" conceptual site model pursuant to Section 6.11(a) (iv) and may be considered "other relevant information" pursuant to Section 6.11 (a) (ix).

Therefore, please provide soils sampling information and waste disposal information as requested above by the timeframe requested below.

- Leaking East Ductwork Replacement Project:

Item 7 of the DCP's January 13, 2016, reply letter regarding characterization and disposal of the former air handling ductwork is incomplete. Please also provide a description of the amount of waste materials generated, name and location of the waste disposal facilities used for the off-site transfer, storage and treatment of the waste materials and applicable manifests pursuant to Section 6.11(a) (vi). Portions of the waste characterization information provided to DEQ, RRD, staff during a site visit do not require duplication and was transmitted to DEQ, OWMRP, staff. If DCP has provided the requested information to the DEQ, OWMRP, please reference the date and nature of the transmittal in your reply to this communication.

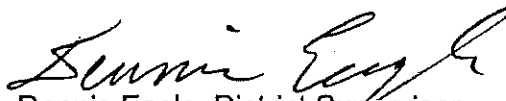
DCP's submittal of the November 1, 2015, Progress Report is not considered complete until the requested materials are submitted. Due to incomplete submittal of materials requested in the first compliance communication relating to the November 1, 2015, Progress Report, DCP may be subject to stipulated penalties. The DEQ, RRD, may elect to use its enforcement discretion and waive stipulated penalties providing that DCP submit, as a good faith effort, the requested missing information and documentation regarding response actions and other matters relating to the implementation of the JCD performed in the reporting period. Please provide this information to the DEQ, RRD, **in writing, within 15 days of receipt of this communication** pursuant to Section 14.3 of the JCD. Your response must also include a commitment that all future sampling actions are in accordance with the approved QAPP.

This communication may not represent all of the administrative elements required by other DEQ divisions who may request data at a later date or have compliance issues relevant to their sections of the JCD.

If you have any questions regarding elements necessary to complete the November 1, 2015, Progress Report, please contact Ms. Rebecca Taylor, at 517-284-5160, or taylorr@michigan.gov.

If you have questions regarding your obligations under the JCD, please contact Mr. Leonard Lipinski, at 517-284-5128, or lipinskil@michigan.gov; or Ms. Vicki Katko, at 517-284-5119, or katkov@michigan.gov.

Sincerely,



Dennis Eagle, District Supervisor
Lansing District Office
Remediation and Redevelopment Division
517-284-5089
eagled@michigan.gov

cc: Mr. Todd Fracassi, Pepper Hamilton LLP
Mr. James Colmer, BB&E, LLC
Mr. Richard Kuhl, Department of Attorney General
Ms. Angie Brown, DEQ
Ms. Carla Davidson, DEQ
Mr. Dan McGeen, DEQ
Mr. Bryan Grochowski, DEQ
Ms. Leonard Lipinski, DEQ
Ms. Vicki Katko, DEQ
Ms. Rebecca Taylor, DEQ